

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 20TH SEPTEMBER 2006 / 29TH BHADRA 1928

Bail Appl..No. 5682 of 2006

CRIME NO.603/2006 OF VAIKOM POLICE STATION

PETITIONER/ACCUSED 1-3:

1. REMESH, S/O.THOTTATHIL RAGHAVAN,
PADINJAREVAZHATHARA HOUSE, KULASEKHARAMANGALAM,
VAIKOM.
2. KARTHIKEYAN, S/O.THOTTATHIL RAGHAVAN,
PADINJAREVAZHATHARA HOUSE, KULASEKHARAMANGALAM,
VAIKOM.
3. BIJU, S/O. THOTTATHIL RAGHAVAN,
PADINJAREVAZHATHARA HOUSE, KULASEKHARAMANGALAM,
VAIKOM.

BY ADV. SRI.DILIP MOHAN
SRI.N.HARIMOHAN

RESPONDENTS: COMPLAINANT/STATE:

1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
2. STATION HOUSE OFFICER,
VAIKOM POLICE STATION, VAIKOM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20/09/2006, ALONG WITH B.A.NO.5801/2006, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.Nos. 5682/2006 & 5801/2006

DATED THIS THE 20TH DAY OF SEPTEMBER, 2006

O R D E R

The petitioners preferred the application, under Section 438 Cr.P.C. While so the petitioners 2 and 3, accused 2 and 3, were arrested by the Vaikom Police Station authorities. Hence they came up with B.A.No.5801/2006, under Section 439 Cr.P.C, as their arrest was on 14.9.2006. Thus B.A.No.5682/2006 is for a pre-arrest order in respect of the first petitioner, first accused, alone. The offence alleged against accused 1 to 3 are under Sections 323, 341, 307 IPC read with Section 34 IPC in crime No.603/2006 of Vaikom Police Station.

2. The prosecution submits that using the spade, the first accused assaulted the defacto complainant, causing lacerated wound of 3 X 1 X 1 cms, on the left parietal scalp region. There were also two abrasions. The prosecution opposed the granting of a pre-arrest order to the first accused.

3. After hearing both sides and considering the facts on record, I grant bail and release the petitioners in B.A.No.5801/2006, the accused 2 and 3, from jail, subject to the following conditions:-

(a). Each petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class, Vaikom.

(b). The petitioners shall report before the Investigating Officer, once in a week, on every Tuesday, between 10.00 a.m and 11.00 a.m., for a period of two months, starting from 26.9.2006, and thereafter, on the first working day of every month, between the same timings, till the final report is filed.

4. The first accused, the first petitioner in B.A.No.5682/2006, is directed to surrender before the Investigating Officer on 29.9.2006 between 9.30 a.m and 10.00 a.m.

5. The Investigating Officer shall interrogate the petitioner and produce him before the Court below before 4.00 p.m, and the learned Magistrate, on production of the accused, shall hear both sides and pass appropriate orders on merit, on the same day itself.

6. As the petitioners 2 and 3 in B.A.No.5682/2006 is granted bail, as per the order in B.A.No.5801/2006, their prayer under Section 438 Cr.P.C., is unsustainable.

Both the applications are disposed of as above.

**J.M.JAMES
JUDGE**

mrCS